

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NOBLE DREW ALI *et al.*

Plaintiffs

v.

JUDGE MARY MONGIOVI SPONAUGLE *et al.*

Defendants

: CIVIL ACTION

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: NO. 5:18-cv-5655

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: ***ELECTRONICALLY FILED***

ORDER

AND NOW this day of , 2019, upon consideration of Plaintiffs' "Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court" and the Response filed on behalf of Defendants, Magisterial District Judge Mary Mongiovi Sponaugle, Honorable Howard Knisely and Magisterial District Judge David Miller, it is **ORDERED** and **DECREED** that Plaintiffs' pleading is hereby **DENIED**.

BY THE COURT:

J.

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NOBLE DREW ALI <i>et al.</i>	:	CIVIL ACTION
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<i>Plaintiffs</i>	:	
	:	NO. 5:18-cv-5655
v.	:	
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	:	
JUDGE MARY MONGIOVI SPONAUGLE <i>et al.</i>	:	
	:	
	:	
<i>Defendants</i>	:	<i>ELECTRONICALLY FILED</i>

**RESPONSE TO PLAINTIFFS' "PRAECIPE TO ENTER WRIT OF EMERGENCY
MANDAMUS EXHIBITS AND NOTICE OF EMERGENCY INJUNCTION REMOVAL
TO FEDERAL COURT" FILED ON BEHALF OF DEFENDANTS, MAGISTERIAL
DISTRICT JUDGE MARY MONGIOVI SPONAUGLE, HONORABLE
HOWARD KNISELY AND MAGISTERIAL DISTRICT JUDGE DAVID MILLER**

NOW COME Defendants, Magisterial District Judge Mary Mongiovi Sponaugle, Honorable Howard Knisely and Magisterial District Judge David Miller ("Judicial Defendants"), by undersigned counsel, and file this Response to Plaintiffs' "Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court" and in support thereof aver as follows:

1. Plaintiffs have filed suit against, *inter alia*, Judicial Defendants, all of whom are presiding judicial officers of the Lancaster County Court of Common Pleas, alleging non-specific legal conclusions as to the Defendants' wrongdoings and violations of their constitutional rights without factual allegations in support.

2. Plaintiffs' only specific complaints appear to pertain to "compulsion of spurious demands of drivers license (*sic*), passports, wage garnishments, liens on property and many other statutes and codes . . ." which they claim have resulted in loss of employment and financial injury.

3. Plaintiffs' prayer for relief is for monetary damages and for an injunction requiring the clearing in the state Court system of all data bases of information pertaining to them or judgments against them.

4. Judicial Defendants have filed a Motion to Dismiss, which is pending before this Honorable Court, on the grounds of Eleventh Amendment and absolute judicial immunity, the fact that the Courts over which Judicial Defendants preside are not "persons" under 42 U.S.C. §1983, the failure to state a claim or a cause of action upon which relief can be granted, the impropriety of the requested equitable relief under the Federal Courts Improvement Act of 1996 which bars Plaintiffs' request for injunctive relief and on grounds of federalism and comity.

5. Plaintiffs have now filed a "Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court," which is difficult to decipher, but which appears to request that this Honorable Court assume jurisdiction over an out-of-state Court matter, Docket No. 15FL02801, which appears from Plaintiffs' exhibits to be a Sacramento California Superior Court family law case.

6. It is evident that Plaintiffs' request to join his California family law case is properly denied on the grounds of, *inter alia*, the *Younger v. Harris*, 401 U.S. 37, 43-44 (1971), abstention doctrine, which is applicable where, as here: (1) the state judicial proceeding is ongoing; (2) important state interests are implicated in the state action and (3) the state proceeding offers sufficient opportunity to raise the claims asserted in federal Court. See also *Anthony v. Council*, 316 F.3d 412, 418 (3d Cir. 2003).

7. The request is also properly denied on the basis of principles of federalism and comity, and the lack of federal jurisdiction over Plaintiffs' state Court case, which does not raise a federal question and which appears to constitute a state Court custody case.

WHEREFORE Judicial Defendants respectfully request that this Honorable Court deny Plaintiffs' "Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court."

Respectfully submitted,

s/ Martha Gale

MARTHA GALE, ESQUIRE

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Magisterial District Judge David Miller*

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on April 26, 2019, she personally caused to be served upon the following a true and correct copy of the foregoing *Response to Plaintiffs' "Praecepto to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court,"* by CM/ECF to all counsel of record and by mailing same first class, postage pre-paid, U.S. mail to:

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Pro Se Plaintiff

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{Signature on next page}

s/ Martha Gale

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